

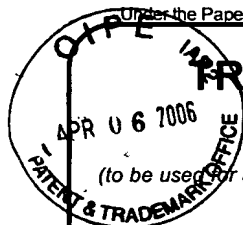
04-07-06

PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0651-0031

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

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| Application Number | 10/825,088 |
| Filing Date | April 15, 2004 |
| First Named Inventor | David Sperduti |
| Group Art Unit | 3627 |
| Examiner Name | Andrew J. Rudy |
| Attorney Docket Number | 283-412 |

Total Number of Pages in This Submission

7

ENCLOSURES (check all that apply)

- ☐ Fee Transmittal Form
 - ☐ Fee Attached
- ☐ Amendment / Reply
 - ☐ After Final
 - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☒ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/ Incomplete Application
 - ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
 - ☐ Petition to Convert to a Provisional Application
 - ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s)

- ☐ After Allowance Communication to Technology Center (TC)
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter

☒ Other Enclosure(s)
(please identify below):

PTO/SB/08A (2 pgs.), PTO/SB/08B (1 pg.), One Copy of Cited References BR-BX and Return Mail Room Postcard.

Remarks

The Commissioner is authorized to charge any additional fees to Deposit Account No. 50-0289.

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| | | |
|-------------------------|-----------------------------|-----------------|
| Firm or Individual name | Wall Marjama & Bilinski LLP | Reg. No. 42,897 |
| Signature | | |
| Date | April 6, 2006 | |

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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT
Express Mail Label No. EV676906873US
Attorney Docket No.: 283-412

On April 6, 2006

WALL MARJAMA & BILINSKI LLP

By: Jeanine C. Schirripa
Jeanine C. Schirripa



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

David Sperduti et al.

Application No.: 10/825,088

Filed: April 15, 2004

For: Proximity Transaction Apparatus
And Methods of Use Thereof

Examiner: Andrew J. Rudy

Art Unit: 3627

INFORMATION DISCLOSURE
STATEMENT UNDER 37 CFR §1.97 and
§1.98

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P. O. Box 1450
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Sir:

The references cited on attached forms PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of references BR-BX are enclosed.

It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR §1.97(h), no inference should be made that the information and references cited are material to patentability. Also, no inference should be made that a

reference is prior art merely because it is included in this statement. Under 37 CFR §1.97(g), the submission of an information disclosure statement should not be considered as representation that a search has been made.

"In column T6 of the attached PTO 1449 form, "EN" is entered where the cited reference is in the English language, "AO" is entered where the reference is not in English but a translation of the Abstract only is included, and "FT" is entered where the reference is not in English but a full text English translation is included."

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0289.

Respectfully submitted,

WALL MARJAMA & BILINSKI LLP



Joseph B. Milstein Ph.D.
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101 South Salina Street
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315-425-9114 (FAX)

Date: April 6, 2006

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Sheet 1 of 2

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| | |
|------------------------|----------------|
| Application Number | 10/825,088 |
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| Examiner Name | Andrew J. Rudy |
| Attorney Docket Number | 283-412 |

U.S. PATENT DOCUMENTS

| Examiner | Cite No. ¹ | Document Number Number Kind Code ² (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|----------|-----------------------|-------------------------------------------------------------|--------------------------------|----------------------------------------------------|---------------------------------------------------------------------------------|
| | AA | US-2004/010446 A1 | 01-15-2004 | Vanska et al. | |
| | AB | US-2004/049451 A1 | 03-11-2004 | Berardi et al. | |
| | AC | US-2004/103060 A1 | 05-27-2004 | Foth et al. | |
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| | BB | US-2005/033686 A1 | 02-10-2005 | Peart et al. | |
| | BC | US-2005/033687 A1 | 02-10-2005 | Beenau et al. | |
| | BD | US-2005/033688 A1 | 02-10-2005 | Peart et al. | |
| | BE | US-2005/033689 A1 | 02-10-2005 | Bonalle et al. | |
| | BF | US-2005/035847 A1 | 02-17-2005 | Bonalle et al. | |
| | BG | US-2005/038741 A1 | 02-17-2005 | Bonalle et al. | |
| | BH | US-2005/040951 A1 | 02-24-2005 | Zalewski et al. | |
| | BI | US-2005/040242 A1 | 02-24-2005 | Beenau et al. | |
| | BJ | US-2005/060233 A1 | 03-17-2005 | Bonalle et al. | |

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¹ Applicant's unique citation designation number (optional). ² Kind Codes of U.S. Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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Sheet 2 of 2

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|------------------------|----------------|
| Application Number | 10/825,088 |
| Filing Date | April 15, 2004 |
| First Named Inventor | David Spurduti |
| Art Unit | 3627 |
| Examiner Name | Andrew J. Rudy |
| Attorney Docket Number | 283-412 |

U.S. PATENT DOCUMENTS

| Examiner | Cite No. ¹ | Document Number Number Kind Code ² (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|----------|-----------------------|-------------------------------------------------------------|--------------------------------|----------------------------------------------------|---------------------------------------------------------------------------------|
| | BK | US-2005/071231 A1 | 03-31-2005 | Beenau et al. | |
| | BL | US-2005/085226 A1 | 04-21-2005 | Zalewski et al. | |
| | BM | US-2005/116810 A1 | 06-02-2005 | Beenau et al. | |
| | BN | US-2005/116024 A1 | 06-02-2005 | Beenau et al. | |
| | BO | US-2005/149544 A1 | 07-07-2005 | Bishop et al. | |
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| | BQ | US-2005/165695 A1 | 07-28-2005 | Berardi et al. | |
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FOREIGN PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | | | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T ⁶ |
|-----------------------|--------------------------|---------------------------|---------------------|-----------------------------------|--------------------------------|--------------------------------------------------------------|------------------------------------------------------------------------------------|----------------|
| | | Country Code ³ | Number ⁴ | Kind Code ⁵ (if known) | | | | |
| | BR | WO | 02/97568 | A2 | 12-05-2002 | TC (Bermuda) License, Ltd. | | EN |
| | BS | WO | 2004006064 | A2 | 01-15-2004 | American Express Travel Related Services Company, Inc. | | EN |
| | BT | WO | 2004006590 | A2 | 01-15-2004 | American Express Travel Related Services Company, Inc. | | EN |
| | BU | WO | 2004006162 | A2 | 01-15-2004 | American Express Travel Related Services Company, Inc. | | EN |
| | BV | EP | 1 424 664 | A2 | 06-02-2004 | Pitney Bowes Inc. | | EN |
| | BW | JP | 2005520269 | T | 07-07-2005 | American Express Travel Related Services Company, Inc. | | FT |
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| Application Number | 10/825,088 |
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| First Named Inventor | David Sperduti |
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| Art Unit | 3627 |
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| Examiner Name | Andrew J. Rudy |
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| Attorney Docket Number | 283-412 |
|------------------------|---------|

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

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